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SUBJECT: BANGLADESH,S NEW NATIONAL HUMAN RIGHTS COMMISSION:  
HIGH ON POTENTIAL BUT LOW ON FUNDS

Summary  
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¶1. (SBU) In a recent meeting with the Ambassador, the Chairman of Bangladesh,s newly appointed National Human Rights Commission (NHRC), Justice Amirul Kabir Chowdhury, was optimistic that the Commission would be able to tackle some of the country,s many human rights problems. The retired Supreme Court Justice stated that within a few months of coming into existence the NHRC had already received over 30 written petitions and has been given a broad scope of responsibilities. He emphasized, however, that the NHRC still faced financial difficulties and was waiting to receive funding from the government to hire staff and rent permanent office space. Without funding, the NHRC will not be able to effectively carry out its mandate. COMMENT/ACTION REQUEST: The U.S. Government (USG) should seriously consider supporting the NHRC as a means of helping Bangladesh improve its human rights record.

How the NHRC was born  
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¶2. (U) The Caretaker Government (CTG) created the National Human Rights Commission (NHRC) through an ordinance which came into effect on September 1, 2008. (Note: Under the Constitution, all ordinances promulgated by the caretaker government must be passed by parliament within the first 30 days for them to take effect as a law (septel). End note.) The CTG established the body to provide opportunities for people to seek redress in a society with significant barriers to access to the judicial system \*among them the cost of litigation and complexity of procedures and evidentiary rules. Observers also point out that the NHRC, as an independent entity, is better placed to deal with abuses by the state and to perform preventive and promotional functions with respect to human rights.

Is it toothless?  
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¶3. (U) In broad terms the NHRC has four types of powers: investigation of alleged human rights violations, standards and legislation review, public education, and counsel to the government. It is also required to submit an annual report to the President. According to the Chairman, the NHRC will have the power to issue directives the government is bound to accept and can also inform the President and the Parliament of its findings. In the meeting with the Ambassador, the Chairman and the two other commissioners agreed that their independent authority gave them the security to aggressively deal with human rights concerns.

The future of the NHRC  
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¶4. (SBU) According to February 4 newspaper reports, the NHRC ordinance is expected to be ratified by Parliament in an upcoming session. Chowdhury remarked, however, that the ordinance would need to be amended in certain areas. For example, he said the NHRC should be given jurisdiction to investigate cases that are already pending in the court system or administrative tribunal. Whether the Parliament would pass the ordinance with amendments remains unclear.

Finances still in doubt  
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¶5. (SBU) The NHRC currently operates out of temporary offices located in a government residence and has not yet hired permanent staff. At full strength, the Chairman anticipated the entire organization would consist of 64 employees. Although he had already submitted a budget for 10, he expected funding would be slow in coming due to bureaucratic formalities. Throughout the meeting, the Commissioners pointed to potential projects that could be undertaken if funding were available.

Comment  
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¶6. (SBU) The creation of the NHRC is clearly an important step in the protection of human rights in this country of 150 million people. Civil society and the international community are pressing the government and Parliament to uphold the NHRC ordinance, just as they pushed the Caretaker Government to create the body in the first place. Given the

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broad mandate of the Commission, we expect the NHRC to be busy. Funding, however, will likely dictate how effective the Commission will be. Embassy Dhaka along with other international donors are looking at ways to help the NHRC. Supporting the NHRC presents an important opportunity for the USG to help Bangladesh improve its human rights record. Post will work closely with the NHRC, USG agencies and donor partners to find ways to support and strengthen the institution.  
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